

MUSKIN LAW OFFICES

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Attorneys for Petitioner

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CHRISTOF PFAFF, an individual,

Petitioner,

-against-

DEUTSCHE BANK AG, a German bank and
financial institution, **DZ BANK AG**

**DEUTSCHE ZENTRAL-
GENOSSENSCHAFTSBANK**, a German
bank and financial institution,

Respondents.

Docket No.

**PETITION FOR DISCOVERY UNDER
28 U.S.C. §1782 (Application for an Order
Permitting Discovery for Use in a Foreign
Legal Proceeding)**

Petitioner **Christof Pfaff**, by his attorneys, **MUSKIN LAW OFFICES**, makes the following application as an interested person to conduct discovery, pursuant to the Federal Rules of Civil Procedure, against the Respondents, pursuant to 28 U.S.C. § 1782, for use in a foreign legal proceeding in Germany.

Jurisdiction

1. Petitioner **Christof Pfaff** is a citizen and resident of Germany, residing at In der Reichswies 4, 66606 St. Wendel, Germany.

2. Petitioner is an “interested person” under 28 USC §1782 because he was damaged by the conduct of Respondents and is a party to a legal proceeding in Germany, all as hereinafter set forth.

3. Respondent **Deutsche Bank AG** is a German bank and financial institution institution authorized by the New York State Department of Financial Services to do business at its New York branch located at 60 Wall Street, New York, NY 10005.

4. Respondent **DZ BANK AG Deutsche Zentral-Genossenschaftsbank** (“DZ Bank”) is a German bank and financial institution authorized by the New York State Department of Financial Services to do business at its New York branch located at 100 Park Avenue, New York, NY 10017.

5. This Court has jurisdiction over this matter because it arises under the laws of the United States, namely, 28 USC § 1782.

Venue

6. Venue is properly laid in this District pursuant to 28 USC §1782 and 28 USC Section 1391(b) and (c) because the Respondents reside, do business and/or are found in this District, a substantial part of the evidence sought by this petition is located in this District, and because Respondents as foreign corporations are subject to suit in any District.

Background and Discovery Sought Hereby

7. The factual and other background of this matter is to be found in the Declaration attached hereto and by this reference made an integral part hereof, namely, the Declaration of Heiner Kausch.

8. Briefly stated, this dispute arises from the following facts. On various dates in 2012 and 2013, Petitioner invested €3,013,345 (approximately \$3.5 million, currently) in various

silver certificate options derivative securities offered by Respondent DZ Bank AG Deutsche Zentral-Genossenschaftsbank (hereinafter “DZ Bank”) in collaboration with Respondent Deutsche Bank AG. Due to illegal price and market manipulations and fraudulent transactions by both Respondents, in conspiracy with each other and with other financial institutions, Petitioner’s entire investment was rendered worthless and a total loss. See, Kausch Declaration, ¶3.

9. On December 29, 2017, Petitioner commenced civil proceedings against Respondent Deutsche Bank AG, in Saarbrücken, Germany, seeking monetary damages and other remedies. The German action is pending in the District Court of Saarbrücken, Germany under the title of Christof Pfaff, Plaintiff, vs. Deutsche Bank AG, Defendant, Case No. 1 O 458/17. The German proceedings are ongoing and a trial date in Germany has been set for September 21, 2018. See, Kausch Declaration ¶¶ 2 and 4.

10. The discovery sought pursuant hereto is specified in Exhibit A hereto. The documents and witnesses whose testimony is required are located in the Southern District of New York. Proposed document and deposition subpoenas to be directed to Respondent Deutsche Bank AG are annexed hereto as Exhibit B, and proposed document and deposition subpoenas to be addressed to Respondent DZ Bank are annexed as Exhibit C.

WHEREFORE, for all the reasons set forth above and in the accompanying memorandum of law, Petitioner respectfully requests that an Order be entered granting the instant petition for discovery under 28 USC §1782 in all respects, authorizing the issuance of appropriate subpoenas, and providing for such other relief as is just and proper, together with the costs of this application.

Dated: New York, New York
August 27, 2018

MUSKIN LAW OFFICES

By: /s/ Victor P. Muskin

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